

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-418)

COMMITTEE AMENDMENT "B" to H.P. 630, L. D. 771, Bill,
"AN ACT Concerning Warrantless Arrests by a Law Officer."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'17-A MRSA §15, sub-§1, as enacted by PL 1975, c. 740,
§22, is repealed and the following enacted in its place:

1. Except as otherwise specifically provided, a law
enforcement officer shall have the authority to arrest without
a warrant:

A. Any person who he has probable cause to believe has
committed or is committing:

(1) Criminal homicide in the first degree or
criminal homicide in the 2nd degree;

(2) Any Class A, Class B or Class C crime;

(3) Assault, if the officer reasonably believes
that the person may cause injury to others unless
immediately arrested;

(4) Theft as defined in section 357, when the value
of the services is \$1,000 or less, if the officer
reasonably believes that the person will not be
apprehended unless immediately arrested;

(5) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; or

(6) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; and

B. Any person who has committed in his presence or is committing in his presence a Class D or Class E crime other than those described in paragraph A, subparagraphs 3 through 6.

A law enforcement officer may, without fee, take the personal recognizance of any person for his appearance on a charge of a Class D or Class E crime.'

Statement of Fact

The purpose of the amendment is to expand the arrest powers of law enforcement officers by granting them the authority to make warrantless arrests of persons whom they have probable cause to believe have committed or are committing certain Class D or Class E crimes. The crimes provided for involve situations in which the suspects are most likely to leave the state if they can not be arrested and are only given a summons or, in the case of assault, the person is likely to cause further

injury unless immediately arrested.

The amendment also clarifies the law by placing in this section of Title 17-A, the Maine Criminal Code, a provision that appears in another section, Title 14, section 5544, and thereby bringing it to the attention of law enforcement officers. The bill concerns the power of arrest. The amendment would emphasize that, for lesser offenses, Class D and Class E crimes, the officer has the alternative of giving a summons to the person charged.

Reported by the Majority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.
5/26/77

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